IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 339 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 14/12/2004 in WP NO : 22862 OF 2004 on the file of the High Court.)

Between:

Miss. Mujeebunnisa Begum, D/o. Mirza Yousuf Ali Baig,
resident of H.No. 17-2-181/58/1, A1. Jabri Colony, Yakutpura, Hyderabad-500 023

..... APPELLANT

AND

1 N.T.R. University of Health Sciences, represented by its
The Registrar, N.T.R. University of Health Sciences,

Vijayawada - 520 008.
2 The Principal, Govt. Nizamia Tibbi College, Charminagar,
Hyderabad - 500 002

....RESPONDENTS

Counsel for the Appellant: MR.MOHD YOUSUFUDDIN

Counsel for the Respondents: SMT.Y.PADMAVATHI

The Court at the stage of admission made the following :

Oral Order: (Per the Hon'ble the Chief Justice)

Learned single Judge on a consideration of the point raised in the writ petition dismissed the same and appeal is against the said order.

The writ petitioner-appellant passed all the papers in
I professional BUMS course except one, which she could not clear despite having been provided with three opportunities and two extra opportunities. The prayer of the writ petitioner was to provide her one more opportunity, which though was recommended by the Principal, was not acceded to by the University.

Para 4 (c) of the CCIM Regulations reads thus:

> Candidate who fail to pass the I professional Examination in three opportunities shall not be allowed to continue their studies. However, in case of personal illness of a serious nature of a candidate and in unavoidable circumstances, the University may permit one or more opportunities for passing the I Professional Course.

Rule itself makes the position clear that ordinarily a candidate is to be provided with three opportunities to pass
I professional. In case the candidates is not able to clear the papers, he/she will not be allowed to continue studies and only in extraordinary cases of personal illness of serious nature and unavoidable circumstances, the Rule permits the University to grant one or more opportunities for passing I professional examination. Thus, in extraordinary circumstances, one or more opportunities are to be provided and in

this case, the petitioner was provided with two more opportunities on medical grounds and despite that she failed to clear the papers.

In the circumstances, it cannot be said that the respondents have not exercised their discretionary powers to give the petitioner one more opportunity to clear the papers, since the Rules bar granting more opportunities than what is provided. Therefore, the learned single Judge has rightly dismissed the writ petition.

We find no merit in this writ appeal and the same shall accordingly stand dismissed.

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DEVINDER GUPTA, CJ

Dated 10..03..2005

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B.SESHASAYANA REDDY,J

msv.

To

1 The Registrar, N.T.R. University of Health Sciences, ,

Vijayawada - 520 008.

2 The Principal, Govt. Nizamia Tibbi College, Charminagar,
Hyderabad - 500 002

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